

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.12, 307A.2 and 321.383, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 405, "Salvage," and Chapter 450, "Motor Vehicle Equipment," Iowa Administrative Code.

The proposed amendments to subrule 405.8(3) and paragraph 405.15(1)"e" comply with 2016 Iowa Acts, chapter 1098, sections 31 and 32, which amended Iowa Code sections 321.24(5) and 321.52(4)"c." The proposed amendment to subrule 405.8(3) adds a second exception to stipulate that an owner who surrenders a foreign salvage title and obtains a salvage theft examination pursuant to Iowa Code section 321.52(4)"b" within 30 days of the date the owner was assigned the foreign salvage title is not required to first obtain an Iowa salvage title. The proposed amendment to paragraph 405.15(1)"e" strikes the language concerning the fee amount and distribution of the fee and adds a new sentence stating that the owner or owner's representative shall electronically make payment for the salvage theft examination at the time the examination is scheduled and that the fees collected shall be distributed in accordance with Iowa Code section 321.52(4)"c."

The proposed amendment to rule 761—450.6(321) complies with 2016 Iowa Acts, chapter 1023, section 1, which amended Iowa Code section 321.383(1) to allow implements of husbandry that are not self-propelled to be towed in tandem when capable of being towed. Also, language related to equipment standards concerning lighting and turn signals was updated to reflect the changes made in Iowa Code section 321.383(1).

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Operations and Finance Division, 800 Lincoln Way, Ames, Iowa 50010; e-mail: tracy.george@iowadot.us.
5. Be received by the Department's rules administrator no later than April 18, 2017.

A meeting to hear requested oral presentations is scheduled for Thursday, April 20, 2017, at 10 a.m. at the Iowa Department of Transportation's Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 321.24, 321.52 and 321.383.

The following amendments are proposed.

ITEM 1. Amend subrule 405.8(3) as follows:

405.8(3) *Converting foreign salvage title to Iowa title.* If the prior title for a vehicle is a foreign title indicating that the vehicle is salvage, a regular Iowa title shall not be issued for the vehicle unless an

Iowa salvage title is first issued. After an Iowa salvage title is issued for the vehicle, a regular Iowa title may be obtained pursuant to rule 761—405.7(321).

EXCEPTION 1: As provided in subrule 405.3(3), a licensed new motor vehicle dealer or an authorized vehicle recycler is not required to obtain an Iowa salvage title upon assignment of a foreign salvage title to the dealer or recycler, provided a vacant reassignment space is available on the title.

EXCEPTION 2: As provided in Iowa Code section 321.24(5), an owner who surrenders a foreign salvage title and obtains a salvage theft examination pursuant to Iowa Code section 321.52(4) “b” within 30 days of the date the owner was assigned the foreign salvage title is not required to first obtain an Iowa salvage title.

ITEM 2. Amend paragraph **405.15(1)“e”** as follows:

e. ~~A \$30 fee paid by check or money order made payable to the agency conducting the salvage theft examination shall be collected. The agency shall retain \$20 and forward \$10 to the office of vehicle services at the Des Moines address. The department shall deposit the \$10 into the funds specified by law. The owner or owner’s representative shall electronically make payment for the salvage theft examination at the time the examination is scheduled, and the fee collected shall be distributed in accordance with Iowa Code section 321.52(4) “c.”~~

ITEM 3. Amend subrule 450.4(1) as follows:

450.4(1) Application. As outlined in rule 761—400.16(32 321), the applicant shall submit the required application forms and exhibits to the county treasurer. The vehicle and ownership documents shall be examined by the department. If the department determines that the motor vehicle complies with this rule, that the integral parts and components have been identified as to ownership, and that the application forms have been completed properly, the department shall assign an identification number to the vehicle and certify that the motor vehicle is eligible for titling and registration. If the frame specified on an application for a specially constructed or reconstructed motorcycle or motorized bicycle is designated “not for highway use,” the application shall not be approved. The exchange of compatible body parts does not constitute a specially constructed or reconstructed motorcycle or motorized bicycle. The removal, addition, or substitution of a reconstructed motorcycle or motorized bicycle part modifies the vehicle’s external appearance so that it does not reflect the original make or manufacturer model. EXEMPTION: The conversion of a manufactured motorcycle from two wheels to three-wheel operation by the addition or substitution of a bolt-on conversion kit shall not constitute a reconstructed motorcycle.

ITEM 4. Amend rule 761—450.6(321) as follows:

761—450.6(321) Safety requirements for the movement of implements of husbandry on a roadway. The following standards are minimum safety requirements for the movement of implements of husbandry on a roadway.

450.6(1) Towing standard. No power unit operated by a retail seller or manufacturer shall tow more than one implement of husbandry, except those implements of husbandry that are not self-propelled and are capable of being towed in tandem, from the manufacturer to the retail seller, from the retail seller to the farm purchaser, or from the manufacturer to the farm purchaser.

450.6(2) Equipment standards.

a. and *b.* No change.

c. Lighting. The towing or towed vehicle, the rearmost implement of husbandry being towed in tandem, or a self-propelled implement of husbandry shall be equipped with at least one rear taillight which exhibits a red light plainly visible from a distance of 500 feet to the rear. The rear taillight equipment standard may be met by the use and installation of a temporary rear taillight. If an implement of husbandry is being towed by a vehicle which is equipped with brake lights, the towed unit must also have brake lights, constructed and located on the implement of husbandry so as to give a signal of intention to stop. The light shall be red or yellow in color. The signal shall be plainly visible in normal sunlight and at night from a distance of 100 feet to the rear and may be met by the use and installation of a temporary light.

d. Turn signal. The towing or towed vehicle, the rearmost implement of husbandry being towed in tandem, or a self-propelled implement of husbandry shall be equipped with a turn-signal device that operates in conjunction with or separately from the rear taillight. The signal shall be plainly visible and understandable from a distance of 100 feet to the rear. The turn-signal device equipment standard may be met by the use and installation of a temporary turn-signal device.

e. to g. No change.

This rule is intended to implement Iowa Code section 321.383.